

1755\$

Practitioner's Docket No. 16139/09015

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Brian R. Genge, Licia Wu, Glenn R. Sauer, Roy E. Wuthier, and Ronald Genge

Application No.: 09/978,601

Group No.: 1755

Filed: 10/16/2001

Examiner: Marcantoni

For: BIOCOMPATIBLE CEMENT CONTAINING REACTIVE CALCIUM PHOSPHATE  
NANOPARTICLES AND METHODS FOR MAKING AND USING SUCH CEMENT

Commissioner for Patents  
Washington, D.C. 20231

CERTIFICATE OF MAILING UNDER 37 C.F.R. § 1.8(a)

RECEIVED  
MAR 31 2003  
TC 1700

I hereby certify that the attached correspondence comprising:

1. Fee Transmittal Sheet (1 page)
2. Response to Restriction Requirement with Traverse (2 pages)
3. Amendment Transmittal with Petition for Extension of time (2 pages) w/duplicate
4. Preliminary Amendment (9 pages)
5. Check Number 22640 for \$109.00 (1 page)
6. Return Postcard.

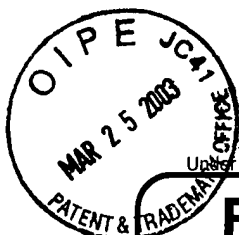
is being deposited with the United States Postal Service, with sufficient postage, as first class mail in an envelope addressed to:

Commissioner for Patents  
Washington, D.C. 20231

on Mar. 20, 2003.

Anna A. Von

Signature of person mailing paper



Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

PTO/SB/17 (01-03)  
Approved for use through 04/30/2003. OMB 0651-0032  
U.S. Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE

# FEE TRANSMITTAL for FY 2003

Effective 01/01/2003. Patent fees are subject to annual revision.

☒ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$ ) 109.00

## Complete if Known

Application Number 09/978,601  
Filing Date October 16, 2001  
First Named Inventor Genge et al  
Examiner Name Marcantoni  
Art Unit 1755  
Attorney Docket No. 16139/09015

RECEIVED  
MAR 31 2003  
TC 1200

## METHOD OF PAYMENT (check all that apply)

☒ Check ☐ Credit card ☐ Money Order ☐ Other ☐ None

☐ Deposit Account:

Deposit  
Account  
Number  
Deposit  
Account  
Name

50-2548

Nelson Mullins Riley . .

The Commissioner is authorized to: (check all that apply)

☐ Charge fee(s) indicated below ☒ Credit any overpayments

☒ Charge any additional fee(s) during the pendency of this application

☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

## FEE CALCULATION

### 1. BASIC FILING FEE

Large Entity Small Entity

| Fee Code | Fee (\$) | Fee Code | Fee (\$) | Fee Description        | Fee Paid |
|----------|----------|----------|----------|------------------------|----------|
| 1001     | 750      | 2001     | 375      | Utility filing fee     |          |
| 1002     | 330      | 2002     | 165      | Design filing fee      |          |
| 1003     | 520      | 2003     | 260      | Plant filing fee       |          |
| 1004     | 750      | 2004     | 375      | Reissue filing fee     |          |
| 1005     | 160      | 2005     | 80       | Provisional filing fee |          |

SUBTOTAL (1) (\$ )

### 2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

Total Claims  -20\*\* =  6 X  9 =  54  
Independent Claims  -3\*\* =  0 X  =   
Multiple Dependent  =  54

Large Entity Small Entity

| Fee Code | Fee (\$) | Fee Code | Fee (\$) | Fee Description  |
|----------|----------|----------|----------|--|
| 1202     | 18       | 2202     | 9        | Claims in excess of 20                                     |
| 1201     | 84       | 2201     | 42       | Independent claims in excess of 3                          |
| 1203     | 280      | 2203     | 140      | Multiple dependent claim, if not paid                      |
| 1204     | 84       | 2204     | 42       | ** Reissue independent claims over original patent         |
| 1205     | 18       | 2205     | 9        | ** Reissue claims in excess of 20 and over original patent |

SUBTOTAL (2) (\$ ) 54.00

\*\*or number previously paid, if greater; For Reissues, see above

## FEE CALCULATION (continued)

### 3. ADDITIONAL FEES

Large Entity Small Entity

| Fee Code | Fee (\$) | Fee Code | Fee (\$) | Fee Description  | Fee Paid |
|----------|----------|----------|----------|--|----------|
| 1051     | 130      | 2051     | 65       | Surcharge - late filing fee or oath  |          |
| 1052     | 50       | 2052     | 25       | Surcharge - late provisional filing fee or cover sheet                     |          |
| 1053     | 130      | 1053     | 130      | Non-English specification  |          |
| 1812     | 2,520    | 1812     | 2,520    | For filing a request for ex parte reexamination                            |          |
| 1804     | 920*     | 1804     | 920*     | Requesting publication of SIR prior to Examiner action                     |          |
| 1805     | 1,840*   | 1805     | 1,840*   | Requesting publication of SIR after Examiner action                        |          |
| 1251     | 110      | 2251     | 55       | Extension for reply within first month                                     | 55       |
| 1252     | 410      | 2252     | 205      | Extension for reply within second month                                    |          |
| 1253     | 930      | 2253     | 465      | Extension for reply within third month                                     |          |
| 1254     | 1,450    | 2254     | 725      | Extension for reply within fourth month                                    |          |
| 1255     | 1,970    | 2255     | 985      | Extension for reply within fifth month                                     |          |
| 1401     | 320      | 2401     | 160      | Notice of Appeal   |          |
| 1402     | 320      | 2402     | 160      | Filing a brief in support of an appeal                                     |          |
| 1403     | 280      | 2403     | 140      | Request for oral hearing   |          |
| 1451     | 1,510    | 1451     | 1,510    | Petition to institute a public use proceeding                              |          |
| 1452     | 110      | 2452     | 55       | Petition to revive - unavoidable   |          |
| 1453     | 1,300    | 2453     | 650      | Petition to revive - unintentional   |          |
| 1501     | 1,300    | 2501     | 650      | Utility issue fee (or reissue)   |          |
| 1502     | 470      | 2502     | 235      | Design issue fee   |          |
| 1503     | 630      | 2503     | 315      | Plant issue fee  |          |
| 1460     | 130      | 1460     | 130      | Petitions to the Commissioner  |          |
| 1807     | 50       | 1807     | 50       | Processing fee under 37 CFR 1.17(q)  |          |
| 1806     | 180      | 1806     | 180      | Submission of Information Disclosure Stmt                                  |          |
| 8021     | 40       | 8021     | 40       | Recording each patent assignment per property (times number of properties) |          |
| 1809     | 750      | 2809     | 375      | Filing a submission after final rejection (37 CFR 1.129(a))                |          |
| 1810     | 750      | 2810     | 375      | For each additional invention to be examined (37 CFR 1.129(b))             |          |
| 1801     | 750      | 2801     | 375      | Request for Continued Examination (RCE)                                    |          |
| 1802     | 900      | 1802     | 900      | Request for expedited examination of a design application                  |          |

Other fee (specify) \_\_\_\_\_

\*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$ ) 55.00

## SUBMITTED BY

(Complete if applicable)

Name (Print/Type)

Charles E. Dunlap

Registration No.

35,124

Telephone 864-250-2238

Signature

Date

March 20, 2003

**WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**

This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, Washington, DC 20231.

If you need assistance in completing the form, call 1-800-PTO-9199 (1-800-786-9199) and select option 2.



Practitioner's Docket No. 16139/09015

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Brian R. Genge, Licia Wu, Glenn R. Sauer, Roy E. Wuthier, and Ronald Genge

Application No.: 09/978,601

Group No.: 1755

Filed: 10/16/2001

Examiner: Marcantoni

For: BIOCOMPATIBLE CEMENT CONTAINING REACTIVE CALCIUM PHOSPHATE  
NANOPARTICLES AND METHODS FOR MAKING AND USING SUCH CEMENT

Commissioner for Patents  
Washington, D.C. 20231

RECEIVED  
MAR 31 2003  
TC 1700

AMENDMENT TRANSMITTAL

1. Transmitted herewith is an amendment for this application.

STATUS

2. Applicant is a small entity. A statement was already filed.

EXTENSION OF TERM

3. The proceedings herein are for a patent application and the provisions of 37 C.F.R. 1.136 apply. Applicant petitions for an extension of time under 37 C.F.R. 1.136 (fees: 37 C.F.R. 1.17(a)(1)-(4)) for one month:

Fee: \$55.00

CERTIFICATION UNDER 37 C.F.R. §§ 1.8(a) and 1.10\*

(When using Express Mail, the Express Mail label number is mandatory;  
Express Mail certification is optional.)

I hereby certify that, on the date shown below, this correspondence is being:

MAILING

- ☒ deposited with the United States Postal Service in an envelope addressed to the Commissioner for Patents, Washington D.C. 20231

37 C.F.R. § 1.8(a)

37 C.F.R. § 1.10\*

- ☒ with sufficient postage as first class mail.

☐ as "Express Mail Post Office to Addressee"

Mailing Label No. \_\_\_\_\_ (mandatory)


TRANSMISSION

- ☐ facsimile transmitted to the Patent and Trademark Office, (703) \_\_\_\_\_

03/28/2003 CNGUYEN 00000099 09978601

01 FC:2202

54.00 0P

  
Signature

Anna A. Von

(type or print name of person certifying)

\* Only the date of filing (§ 1.6) will be the date used in a patent term adjustment calculation, although the date on any certificate of mailing or transmission under § 1.8 continues to be taken into account in determining timeliness. See § 1.703(f). Consider "Express Mail Post Office to Addressee" (§ 1.10) or facsimile transmission (§ 1.6(d)) for the reply to be accorded the earliest possible filing date for patent term adjustment calculations.

### FEE FOR CLAIMS

4. The fee for claims (37 C.F.R. 1.16(b)-(d)) has been calculated as shown below:

|   | (Col. 1)                                  | (Col. 2)                              | (Col. 3)         | SMALL ENTITY        |               |  |       |
|---|---|---------------------------------------|------------------|---------------------|---------------|--|-------|
|   | CLAIMS<br>REMAINING<br>AFTER<br>AMENDMENT | HIGHEST NO.<br>PREVIOUSLY<br>PAID FOR | PRESENT<br>EXTRA | RATE                | ADDIT.<br>FEE |  |       |
| TOTAL                                     | 61  | - 55                                  | = 6              | x \$ 9.00           | = \$          |  | 54.00 |
| INDEP.                                    | 9   | - 9                                   | = 0              | x \$ 42.00          | = \$          |  | 0.00  |
| FIRST PRESENTATION OF MULTIPLE DEP. CLAIM |   |                                       |                  | + \$ 0.00           | = \$          |  | 0.00  |
|   |   |                                       |                  | TOTAL<br>ADDIT. FEE | \$            |  | 54.00 |

Total additional fee for claims required \$54.00

### FEE PAYMENT

5. Attached is Check Number 22640 in the sum of \$109.00.

Charge any additional fees required by this paper or credit any overpayment to Account Number 50-2548.

A duplicate of this paper is attached.

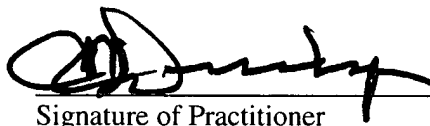
### FEE DEFICIENCY

6. An additional extension and/or fee is required, charge Account No. 50-2548.

An additional fee for claims is required, charge Account No. 50-2548.

Date:

March 20, 2003



Signature of Practitioner

Reg. No.: 35,124  
Tel. No.: 864-250-2238

Charles E. Dunlap  
Nelson Mullins Riley & Scarborough  
Keenan Building, Third Floor  
1330 Lady Street  
Columbia, SC 29201